

JAN 18 2013

A BILL FOR AN ACT

RELATING TO TELEMEDICINE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 453-1.3, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) ~~[Nothing]~~ Subject to section 453-2(b), nothing in
4 this section shall preclude any physician acting within the
5 scope of the physician's license to practice from practicing
6 telemedicine as defined in this section."

7 SECTION 2. Section 453-2, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) Nothing herein shall:

10 (1) Apply to so-called Christian Scientists; provided that
11 the Christian Scientists practice the religious tenets
12 of their church without pretending a knowledge of
13 medicine or surgery;

14 (2) Prohibit service in the case of emergency or the
15 domestic administration of family remedies;

16 (3) Apply to any commissioned medical officer in the
17 United States armed forces or public health service
18 engaged in the discharge of one's official duty, ~~[not]~~



1 including a commissioned medical officer, a
2 commissioned behavioral health professional, or a
3 contracted behavioral health professional employed by
4 the United States Department of Defense, while
5 providing direct telemedicine support or services to
6 neighbor island beneficiaries within a Hawaii national
7 guard armory on the island of Kauai, Hawaii, Molokai,
8 or Maui; provided that the commissioned medical
9 officer or the commissioned or civilian behavioral
10 health professional employed by the United States
11 Department of Defense is credentialed by Tripler Army
12 Medical Center;

13 (4) Apply to any practitioner of medicine and surgery from
14 another state when in actual consultation, including
15 in-person, mail, electronic, telephonic, fiber-optic,
16 or other telemedicine consultation with a licensed
17 physician or osteopathic physician of this State, if
18 the physician or osteopathic physician from another
19 state at the time of consultation is licensed to
20 practice in the state in which the physician or
21 osteopathic physician resides; provided that:



1 (A) The physician or osteopathic physician from
2 another state shall not open an office, or
3 appoint a place to meet patients in this State,
4 or receive calls within the limits of the State
5 for the provision of care for a patient who is
6 located in this State;

7 (B) The licensed physician or osteopathic physician
8 of this State retains control and remains
9 responsible for the provision of care for the
10 patient who is located in this State; and

11 (C) The laws and rules relating to contagious
12 diseases are not violated;

13 [~~4~~] (5) Prohibit services rendered by any person
14 certified under part II of this chapter to provide
15 emergency medical services, or any physician
16 assistant, when the services are rendered under the
17 direction and control of a physician or osteopathic
18 physician licensed in this State except for final
19 refraction resulting in a prescription for spectacles,
20 contact lenses, or visual training as performed by an
21 oculist or optometrist duly licensed by the State.

22 The direction and control shall not be construed in



1 every case to require the personal presence of the
2 supervising and controlling physician or osteopathic
3 physician. Any physician or osteopathic physician who
4 employs or directs a person certified under part II of
5 this chapter to provide emergency medical services, or
6 a physician assistant, shall retain full professional
7 and personal responsibility for any act that
8 constitutes the practice of medicine when performed by
9 the certified person or physician assistant;

10 [~~5~~] (6) Prohibit automated external defibrillation by:

11 (A) Any first responder personnel certified by the
12 department of health to provide automated
13 external defibrillation when it is rendered under
14 the medical oversight of a physician or
15 osteopathic physician licensed in this State; or

16 (B) Any person acting in accordance with section 663-
17 1.5(e); or

18 [~~6~~] (7) Prohibit a radiologist duly licensed to practice
19 medicine and provide radiology services in another
20 state from using telemedicine while located in this
21 State to provide radiology services to a patient who



1 is located in the state in which the radiologist is
2 licensed. For the purposes of this paragraph:

3 "Radiologist" means a doctor of medicine or a
4 doctor of osteopathy certified in radiology by the
5 American Board of Radiology or the American Board of
6 Osteopathy.

7 "Telemedicine" means the use of
8 telecommunications services, as that term is defined
9 in section 269-1, including real-time video
10 conferencing-based communication, secure interactive
11 and non-interactive web-based communication, and
12 secure asynchronous information exchange, to transmit
13 patient medical information, such as diagnostic-
14 quality digital images and laboratory results for
15 medical interpretation and diagnosis, and deliver
16 health care services and information to parties
17 separated by distance."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Telemedicine; Behavioral Health; License Exemption; Military Patients

Description:

Exempts from licensing requirement to practice medicine in the State any commissioned medical officer or commissioned or civilian behavioral health professional employed by the U.S. Department of Defense, who is credentialed by Tripler Army Medical Center, while providing direct telemedicine support or services to neighbor island beneficiaries within a Hawaii national guard armory on the island of Kauai, Hawaii, Molokai, or Maui.

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